

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

IN RE:

Richard A. Stehl

Debtor.

*
*
*
*
*

**CASE NO. 05-33989
CHAPTER 7**

MOTION TO REOPEN CHAPTER 7 CASE

Comes now the Debtor, Richard A. Stehl, who, pursuant to 11 USC § 350(b) and Rule 5010 of the Bankruptcy Rules, respectfully moves to reopen his Chapter 7 case, and as grounds therefore would state onto the court as follows:

1. The Debtor, Richard A. Stehl, filed his Chapter 7 petition on October 15, 2005. He received a discharge on February 7, 2006.

2. Richard A. Stehl is a medical doctor. He was in Ross University Medical School in Dominica from 1998 to 2003. He graduated in March 2003. He then did a family residency in Montgomery, Alabama, from June 2003 to June 2006. During the time he was in medical school, his home residence was his parents address in Ft. Myers, Florida.

3. Dr. Stehl had a number of loans that were obtained to finish medical school. At the time of the filing of the petition, Dr. Stehl made a conscientious effort to list all debts including all loans received while in medical school.

4. A loan was received in December 1998 through Brazos Higher Education Authority in the amount of \$11,525.00 plus fees of \$1,139.84 for a total of \$12,664.84; half was paid in December 1998 and half in January 1999. This loan was received during

the first and second semester of medical school. The total now owed is approximately \$18,400.00.

5. Notices of the loan went to Dr. Stehl's parents' address at 5099 Northampton Dr., Ft. Myers, FL. Dr. Stehl's father, who handled all financial matters in the Stehl household at Ft. Myers, died on July 21, 2005. He died from amyloidosis, a condition which affects the heart and brain. The disease causes a gradual deterioration. It is now known that Mr. Stehl had had the condition for months prior to being diagnosed. He died shortly after being diagnosed.

6. In the first part of November 2006, Dr. Stehl's mother, who continued to reside at 5099 Northampton, Ft. Myers, Florida, notified her son that she had received a notice about a loan addressed to Richard A. "Steir". It was from ACS in Utica, New York. The last name was misspelled. When Dr. Stehl received the notice from his mother, he researched the loan and determined it was indeed a loan he had received through Brazos during his first year of medical school.

7. Dr. Stehl determined that Brazos Higher Education Authority, P.O. Box 1445, Austin, Texas serviced the loan. The lender was Firststar Bank, NA, Cincinnati, Ohio. While the loan is styled as a student loan and provided for deferment of payment, the loan was a credit loan extended by a profit bank. The loan is believed to be a dischargeable debt. An Adversary Proceeding will be filed to determine the dischargeability of the debt.

8. Dr. Stehl believes that he inadvertently failed to list the debt because the notices had been sent to his parents address (with a wrong spelling of his last name), and his father had failed to forward them to Dr. Stehl.

9. Dr. Stehl desires to reopen his Chapter 7 Bankruptcy for purpose of providing notice to Brazos Higher Education Authority and Firststar Bank, and to determine the dischargeability of the debt.

10. The case was a no asset case. Brazos Higher Education Authority and Firststar Bank will not be prejudiced by reopening the case.

Wherefore, the Debtor, Richard A. Stehl, respectfully prays for an order of the Court reopening his Chapter 7 case.

Done this the 14th day of December, 2006

/s/ Richard A. Lawrence
Richard A. Lawrence, Attorney for Debtor

I declare under penalty of perjury that the information provided in the above motion is true and correct.

Done this the 11th day of December, 2006

/s/ Richard A. Stehl
Richard A. Stehl, Debtor

OF COUNSEL;
Richard A. Lawrence LAW006
456 South Court Street
P.O. Box 4633
Montgomery, AL 36103
(334) 263-2000
Fax: (334) 263-9086

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon the following parties by placing a copy of the same in the United States Mail, first class postage prepaid and properly addressed, or by electronic mail on this the 14th day of December, 2006:

Daniel G. Hamm, Esq.
Chapter 7 Trustee
Keith & Hamm, PC
235 S. McDonough Street
Montgomery, AL 36104

ACS
P. O. Box 7051
Utica, NY 13504-7051

ACS
P. O. Box 7052
Utica, NY 13504-7052

The Brazos Higher Education Service Corporation, Inc.
2600 Washington Avenue
Waco, TX 76710

GNIC-Brazos Platinum Med
c/o ACS
P. O. Box 7051
Utica, NY 13504-7051

U.S. Bank Nat as Trustee
c/o ACS
P. O. Box 7051
Utica, NY 13504-7051

Brazos Higher Education Authority
P. O. Box 14445
Austin, TX 78761

Landmark American Insurance Company
P. O. Box 3329
Englewood, CO 80155

TuitionGardtm, Ltd.
P. O. Box 261159
Highlands Ranch, CO 80163

Firststar Bank, N.A., Cincinnati
425 Walnut Street, ML5125
Cincinnati, OH 45201

Brazos Student Finance Corp.
Starbank, N.A. as Trustee
c/o Boss Platinum
P. O. Box 15043
Austin, TX 78761

/s/ Richard A. Lawrence
Richard A. Lawrence